

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:19-cr-014

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

KEVIN DORN,

Defendant.

:

DECISION AND TRANSFER ORDER

This case is before the Court on the Magistrate Judge's Report and Recommendations (ECF No. 89) which recommended two possible dispositions:

1. If the case is construed as a motion for compassionate release, it should be dismissed on the basis of *res judicata* because the Court has already denied compassionate release.
2. If the case is construed as a habeas corpus petition under 28 U.S.C. § 2241 (as Petitioner initially labeled it) it should be transferred to the District in which he is incarcerated.

Represented by counsel, Dorn has objected to the first of these two recommended dispositions, but not to the second (Objections, ECF No. 90). Transfer was the alternative outcome requested by the United States Attorney in his response to the motion (Motion to Transfer or Dismiss, ECF No. 86).

Accordingly, the Report is ADOPTED to the extent it recommends transfer. It is hereby ORDERED that the Clerk transfer this case to the United States District Court for the Eastern District of Kentucky.

February 22, 2021.

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge